

Pet. Dec.



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re application of :
Paolo Palmas et al. : DECISION ON
Serial No. 09/837,687 : PETITION
Filed: April 18, 2001 :
For: PROCESS AND APPARATUS FOR QUICK :
FEED CONTACTING WITH IMMEDIATE :
VAPOR DISENGAGEMENT :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED, filed by facsimile transmission on July 20, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 11, 2004, for failure to respond to the Office letter, mailed October 29, 2003, be withdrawn. The petitioner asserts that the Office letter, mailed October 29, 2003, was not received at the applicant's correspondence address.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the Office letter, mailed October 29, 2003, was not received at the applicant's correspondence address. The evidence provided includes a statement by the petitioner that the Office letter, mailed October 29, 2003, was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received at the correspondence address.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter and restarting of the statutory period of response from the remail date thereof.

It is further noted that the instant petition was accompanied by a \$130.00 petition fee. However, a petition of this type does not require such fee. Therefore, a refund of the \$130.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

The Petition is **GRANTED**.



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